

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 17-2288-MWF

Date: June 27, 2017

Title: In Re Daniel Louis Reece and Kimberly Ann Reece

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Relief Deputy Clerk:
Cheryl Wynn

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendant:
None Present

Proceedings (In Chambers): ORDER REMANDING TO BANKRUPTCY COURT

Appellants previously claimed that transcripts from the Bankruptcy Court are unavailable for the relevant hearings. The Court allowed Appellants to file a statement of the evidence in lieu of the transcripts. Appellee has filed timely objections to that statement, and states that transcripts are in fact available. In addition, Appellee asserts that Appellants' statement is an incorrect recollection of the hearings.

In these circumstances the Federal Rules of Bankruptcy Procedure command as follows:

Statement of the Evidence When a Transcript is Unavailable.
If a transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be filed within the time prescribed by subdivision (a)(1) and served on the appellee, who may serve objections or proposed amendments within 14 days after being served. *The statement and any objections or proposed amendments must then be submitted to the bankruptcy court for settlement and approval. As settled and approved, the statement must be included by the bankruptcy clerk in the record on appeal.*

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Fed. R. Bankr. P. 8009(c) (emphasis added).

Accordingly, the Court **REMANDS** this case to the Bankruptcy Court for the limited purpose of resolving the parties' dispute regarding the hearing transcripts.

IT IS SO ORDERED.

Cc: United States Bankruptcy Court;
Bankruptcy Appeal Panel